

Message Text

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FM SECSTATE WASHDC
TO USMISSION USUN NEW YORK
INFO AMEMBASSY COTONOU

LIMITED OFFICIAL USE STATE 107971

E.O. 11652: N/A

TAGS: PDIP, DM

SUBJECT: BENIN MISSION EMPLOYEE-MOUSSILIOU JOHNSON

REF: USUN 1525

1. AS A MISSION EMPLOYEE (CHAUFFEUR) JOHNSON IS ENTITLED TO THE PRIVILEGES AND IMMUNITIES OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT (PUBLIC LAW 291-79TH CONGRESS), WHICH PROVIDES IMMUNITY ONLY FOR "OFFICIAL ACTS." ALTHOUGH THE ULTIMATE DETERMINATION WHETHER A PARTICULAR ACT IS "OFFICIAL, FOR THIS PURPOSE WOULD REST WITH THE COURT, JOHNSON'S ACTIONS (DRIVING WITH A REVOKED LICENSE, FILING FALSE APPLICATIONS, ETC.) CLEARLY WOULD NOT APPEAR TO FALL WITHIN THE TERMS OF THE ACT. FURTHER, JOHNSON'S
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PAGE 02 STATE 107971

EXTENSIVE PRIOR RECORD (45 PREVIOUS LICENSE SUSPENSIONS) SUGGESTS A FLAGRANT DISREGARD OF TRAFFIC RULES AND OF HIS GENERAL OBLIGATION TO OBEY LOCAL LAWS AND REGULATIONS. WE ALSO NOTE THAT HE WAS PREVIOUSLY CHARGED WITH CRIMINAL IMPERSONATION (ALTHOUGH REFTTEL DOES NOT INDICATE DISPOSITION OF THIS CHARGE).

2. IN VIEW OF THIS APPARENTLY CONSISTENT PATTERN OF IMPROPER CONDUCT, USUN SHOULD APPROACH THE BENIN MISSION AT AN APPROPRIATE LEVEL AND STATE THAT JOHNSON'S ACTIONS

APPEAR TO HAVE BEEN INCOMPATIBLE WITH THE STANDARDS TO WHICH WE EXPECT MEMBERS OF A FOREIGN MISSION TO ADHERE, AND THAT WE EXPECT THAT THE MISSION WILL HAVE JOHNSON APPEAR IN COURT TO ANSWER THE LATEST CHARGES. THE BENIN MISSION SHOULD ALSO BE ADVISED THAT USUN HAS BEEN IN CONTACT WITH THE DISTRICT ATTORNEY'S OFFICE, WHICH IS WILLING TO ASSIST IN VACATING THE WARRANT FOR JOHNSON'S ARREST PROVIDED THAT HE APPEAR IN COURT TO ANSWER THE CHARGES, AND THAT USUN HAS FORWARDED JOHNSON'S COMPLAINT TO THE APPROPRIATE POLICE AUTHORITIES. THE BENIN MISSION SHOULD BE TOLD THAT IN THE EVENT JOHNSON DOES NOT APPEAR IN COURT, THE LOCAL AUTHORITIES WILL BE ENTITLED TO ACT UPON THE WARRANT. PLEASE ADVISE BENIN MISSION THAT UNLESS A SATISFACTORY RESOLUTION OF THIS MATTER IS REACHED, THE DEPARTMENT WILL BE OBLIGED TO STUDY THE SITUATION FOR POSSIBLE FURTHER ACTION.

3. USUN IS REQUESTED TO ADVISE THE DEPARTMENT OF ITS MEETING WITH THE BENIN MISSION.

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